THE PRISONERS ACT, 1900 (III OF 1900).

G. N., J. D., No. 6321, dated 6th October 1902. S. 51

Amended by G. N., H. D., No. 9180/3-III, dated 3rd June 1939.

In supersession of all previous rules issued on the subject, the Governor in Council is pleased, in exercise of the power conferred by sub-section (*1*) of section 51 of the Prisoners Act, 1900 (III of 1900), to make, and under sub-section (*2*) of the same section to publish for general information, the following rules—

(*a*) for regulating the escort of prisoners (State prisoners excepted) to and from any Court, situated within the jurisdiction of the High Court, in which their presence is required and for their custody during the period of such attendance.

(*b*) for regulating the amount to be allowed for the costs and charges of such escort, and

(*c*) for the guidance of officers in matters connected with the enforcement of Part IX of the Prisoners Act, 1900 (III of 1900) :—

1. On receipt of an order issued under section 35, 37, 39 or 40 of the Act, the officer in charge of the prison shall make a requisition on the District Superintendent of Police or in the City of Bombay on the Commissioner of Police for an escort, and the District Superintendent or Commissioner as the case may be, shall supply such escort in conformity with the ordinary rules of his department.

2. The officer in charge of such escort shall, in like manner, be guided by the rules of the Police Department in the performance of his duty, and in the treatment of the prisoners under his charge.

3. All prisoners shall be taken to the Court before which their appearance is required by the most expeditious route. Prisoners under sentence or under trial for criminal offences shall ordinarily travel on foot ; but civil prisoners who are desirous of obtaining and are willing to pay for the indulgence, may be provided with suitable means of conveyance. Prisoners and their escorts shall not travel by night except when absolutely necessary. When a railway is available, all prisoners shall be conveyed by rail under charge of the police guard.

4. Civil prisoners shall ordinarily not be fettered or hand-cuffed. Before any criminal is made over to the officer in charge of the escort, the officer in charge of the prison shall satisfy himself that the fetters of the prisoner or prisoners to be removed are in order and that each prisoner is supplied with suitable clothing, and he shall further make over to the officer in charge of the guard copies of the warrant under which the person, whether a civil or criminal prisoner, is confined and of the orders of the Court under which the prisoner is removed, together with a sum of money for their maintenance and road expense. Diet money shall be calculated at a rate not exceeding 4 annas per diem, according to the number of days which the escort will take going to and returning from the Court.

5. The officer in charge of the guard shall give to the officer in charge of the prison a receipt for such prisoners as he may receive with a statement of the clothing, etc., in each prisoner's possession, and a receipt for the amount of diet money or

road expenses which has been advanced on their account. Advances required on account of the escort shall be made by the District Superintendent, or Commissioner of Police, in the City of Bombay, supplying it.

6. Should there be a prison or (in default of a prison) a lock-up at the place where the Court before which the prisoners have to appear is held, the officer in charge of the escort shall deliver the prisoners to the Jailor of such prison or officer in charge of such lock-up, and shall not be responsible for their custody while they are in such prison or lock-up, but shall only be responsible for their custody while escorting them thither and from such prison or lock-up to the place where the Court is held.

7. Whenever a criminal prisoner is removed under the Act to a place other than that where he has been undergoing his sentence, he shall, when his attendance is no longer required, be taken to the nearest District or Central Prison, the officer in charge of which shall apply to the Inspector-General of Prisons for instructions as to his disposal. On the prisoner being received by the Jailor under this rule, the copy of the warrant of confinement shall be made over to him by the officer in charge of the escort, who shall then receive from the officer in charge of the prison a receipt for the prisoner and such clothing, etc., as he may have with him. The officer in charge of the prison shall also forward copy of such receipt by post to the officer in charge of the prison from which the prisoner has been brought. Civil prisoners shall, on their attendance being dispensed with, be taken back to the prison from which they have been brought.

8. On the completion of the duty for which the escort was detailed, the District Superintendent or Commissioner supplying it shall, if the presence of the prisoner was required in any civil matter, submit a bill to the Court from which the requisition proceeded, for the cost of the guard as fixed by the scale in Schedule A, and for the actual expenditure incurred by them on account of carriage by land or water, if the journey is not performed entirely on foot, plus 10 per cent. for contingencies. A separate bill should also be forwarded by the District Superintendent or Commissioner of Police in the City of Bombay for the diet money and road expenses of the prisoner or prisoners.

9. All sums received in payment of these bills shall at once be paid into the Treasury of the District from which the escort started to the credit of the State Government, as a receipt either of the Police or Jail Department, according as the amount is paid on account of the escort or of the prisoners.

10. In estimating beforehand, under section 50, the amount to be deposited by any party requiring the testimony of a prisoner in any civil matter, the Court should calculate the charges for escort parties according to the scale shown in Schedule A attached to these rules, and should take the average distance covered by escort parties travelling by road at from ten to fifteen miles per diem. The Court should also estimate for the whole time likely to be occupied in going, waiting and returning. Where the journey is performed by rail the cost of third class fares both ways for a whole compartment should be added. The fares by boat or steamer must be estimated on such information as the Court may itself possess. In every case 4 annas per diem, for each prisoner's diet money, and 10 per cent. on the cost of the guard for contingencies should be added. Any balance deficient between the amount estimated by the Court and the charge entered in the bill preferred by the District Superintendent or Commissioner of Police in the city of Bombay shall be recovered by the Court under section 50 of the Act. The Court before whom any prisoner appears to give evidence should take his evidence without unnecessary delay.

11. The foregoing rules do not apply to State prisoners confined by order of the State Government, whose attendance in any Court can only be arranged for under the special orders of the State Government in each case.

SCHEDULE A.

Number of Prisoners.	Number of Constables employed.	Cost per diem.
		Rs. a. p.
1 Prisoner	2 Constables	0 12 0
1 Prisoner if the distance to be escorted is so great as to render halt for the night necessray *en route*, to enable a sentry with relief being furnished at night	1 Head Constable and 3 Constables ..	1 12 0
2, 3 or 4 prisoners	1 Head Constable and 3 Constables ..	1 12 0
5 or 6 prisoners	1 Head Constable and 4 Constables ..	2 2 0
For every 2 prisoners above six ..	1 additional Constable	0 6 0

G. N., J. D., No. 6322, dated 6th October 1902.

Under section 52 of the Prisoners Act, 1900 (III of 1900), His Excellency the Governor in Council is pleased to declare, in supersession of Government Notification No. 1809, dated the 18th May 1870, that in the case of prisons administered under the Prisons Act, 1894 (IX of 1894), the Superintendents of such prisons, and in the case of Civil jails administered under Bombay Act II of 1874 as amended by subsequent Enactments, the Nazirs of the District Courts shall be deemed to be officers in charge of prisons for the purposes of Part IX of the Prisoners Act, 1900.